

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JUAN MORALES-BRIONES,

Plaintiff,

v.

**No. 12-CV-0420 JEC/SMV
10-CR-3303 JEC**

UNITED STATES OF AMERICA,

Defendant.

ORDER DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS
AND DIRECTING THE UNITED STATES TO ANSWER

THIS MATTER is before the Court on Plaintiff's Motion to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 31] and his Application to Proceed in District Court Without Prepaying Fees or Costs [CV Doc. 2; CR Doc. 32] ("Motion to Proceed In Forma Pauperis"). It appearing from the record that Plaintiff has previously been found indigent [CR Doc. 5], and the Court being fully advised in the premises,

IT IS THEREFORE ORDERED that Plaintiff's Motion to Proceed In Forma Pauperis [CV Doc. 2; CR Doc. 32] is **DENIED** as moot and that Plaintiff be considered to be proceeding in forma pauperis;

IT IS FURTHER ORDERED that the Clerk is directed to forward to the United States of America a copy of Plaintiff's Motion to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 31] and supporting papers and exhibits, if any, together with a copy of this order; and

IT IS FURTHER ORDERED that the United States of America respond to Plaintiff's Motion to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 31] no later than **Friday, May 18, 2012**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge